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Agriculture

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Issued August 16, 1940.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

REGULATIONS PERTAINING TO PAYMENTS OF AMOUNTS DUE PERSONS UNDER THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED, AND STATUTES AUTHORIZING PARITY PAYMENTS, WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

By virtue of the authority vested in the Secretary of Agriculture by Section 7 of the Act entitled, "An Act to amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved July 2, 1940 (Public Law No. 716, 76th Congress, 3d Session), I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations governing payments of amounts due persons under the Soil Conservation and Domestic Allotment Act, as amended, and statutes authorizing parity payments, who die, disappear, or are declared incompetent, subsequent to the date of approval hereof, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said provisions of law.

(S E A L)

Done at Washington, D. C.,  
this 16th day of August, 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

/s/ H. A. Wallace  
Secretary of Agriculture

REGULATIONS PERTAINING TO PAYMENTS OF AMOUNTS  
DUE PERSONS UNDER THE SOIL CONSERVATION AND  
DOMESTIC ALLOTMENT ACT, AS AMENDED, AND STATUTES  
AUTHORIZING PARITY PAYMENTS, WHO HAVE DIED,  
DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

Section 1 Definitions. Person, when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means a person who has filed an application for a payment pursuant to any statute authorizing parity payments, or who has filed an application for, or taken an assignment of, a payment pursuant to Section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

Payment means a payment pursuant to Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, or any statute authorizing parity payments.

Section 2 Death. Where any person who is otherwise eligible to receive a payment dies before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

- (1) To the administrator or executor of the deceased person's estate.
- (2) If there is no administrator or executor and none is expected to be appointed, or if an administrator or an executor was appointed but the administration of the estate is closed (a) prior to application, pursuant to these regulations, for the issuance of a check to such administrator or executor or (b) prior to the time when such check issued to such administrator or executor is cashed, to the surviving spouse.
- (3) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or who have surviving direct descendants.
- (4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(5) If there is no surviving spouse, no direct descendent, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive or who have surviving direct descendants.

(6) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law.

Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds \$500, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section, or, pursuant to instructions issued by the Agricultural Adjustment Administration, a separate check may be issued to each person entitled to share in such payment.

Section 3 Disappearance. In case any person otherwise eligible to receive payment disappears before receiving the payment, such payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

- (1) The conservator or liquidator of his estate, if one be duly appointed.
- (2) The spouse.
- (3) An adult son or daughter or grandchild for the benefit of his estate.
- (4) The mother or father for the benefit of his estate.
- (5) An adult brother or sister for the benefit of his estate.

A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search

has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented to the county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

Section 4 Incompetency. Where any person who is otherwise eligible to receive a payment is adjudged incompetent by a court of competent jurisdiction before the payment is received, payment may be made, upon proper application therefor, without regard to claims of creditors other than the United States to the guardian or committee legally appointed for such incompetent person. In case no guardian or committee has been appointed, payment, if not more than \$500, may be made without regard to claims of creditors other than the United States to one of the following in the order mentioned for the benefit of the incompetent person:

- (1) The spouse.
- (2) An adult son, daughter, or grandchild.
- (3) The mother or father.
- (4) An adult brother or sister.
- (5) Such person as may be authorized under State law to receive payment for him (see standard procedure prescribed for the respective region).

In case payment is more than \$500, payment may be made only to such person as may be authorized under State law to receive payment for the incompetent.

Section 5 Signatures and Authorizations. The provisions of ACP-16, "Instructions on Signatures and Authorizations in Connection with the Execution of Applications for Payment or Related Papers under the Agricultural Conservation Program", are hereby made a part of these regulations.

Section 6 Form of Application. Persons desiring to claim payment in accordance with the foregoing may do so on Form ACP-103, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent." If the person who died, disappeared, or was declared incompetent, (a) carried out his farming operations in the Insular Region, Part II of Form ACP-103 shall be executed by a local representative of the Insular Division; (b) becomes entitled to payment under the Naval Stores Conservation Program, Part II of Form ACP-103 shall be executed by the local District Supervisor of the United States Forest Service. Claims filed on Standard Form 1055, "Application for Payment of Amounts Due Deceased or Incompetent Civilian Employees, Officers and Enlisted Men in the Military Service, and Public Creditors of the United States", shall be acceptable, provided all the data required by these regulations are included.